

Entered -- 1-19-01- sb  
CL 01L0062 - ALEXIS HOLMES

CLAIM OF: **PAUL LONG**

Through his attorney,  
F. Carlton King, Jr.  
707 The Candler Building  
127 Peachtree Street, NE  
Atlanta, Georgia 30303-1800

01- *B* -1525

For vehicular damages alleged to have been sustained as a result of driving over a sunken manhole in the street on December 6, 2000 at Alexander and Spring Streets.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE:**

**BE IT RESOLVED** by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **PAUL LONG THROUGH HIS ATTORNEY F. CARLTON KING, JR.** the sum of \$709.45 in full settlement and satisfaction of all claims, past, present and future, of every kind and character **for vehicular damages alleged to have been sustained as a result of driving over a sunken manhole in the street on December 6, 2000 at Alexander and Spring Streets** as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY *Robert N. Gray DCA*

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L062

Date: 9/11/01

Claimant /Victim PAUL LONG

BY: (Atty) F. Carlton King, Jr.

Address: 707 The Candler Building 127 Peachtree Street, NE Atlanta, Georgia 30303-1800

Subrogation: Claim for Property damage \$ 709.45 Bodily Injury \$           

Date of Notice: 12/18/00 Method: Written, proper X Improper           

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 12/6/00 Place: Alexander and Spring Streets

Department Public Works Division: Sewer Operations

Employee Involved    Disciplinary Action   

**NATURE OF CLAIM:** The claimant sustained damages to his vehicle when he drove his vehicle over a sunken manhole in the road. The City had prior notice of the condition prior to the incident involving the claimant. The City has taken steps to repair the defect.

### INVESTIGATION:

Statements: City employee            Claimant X Other            Written X Oral           

Pictures X Diagrams            Reports: Police X Dept Report X Other           

Traffic citations issued: City Driver    Claimant Driver   

Citation disposition: City Driver    Claimant Driver   

### BASIS OF RECOMMENDATION:

Function: Governmental    Ministerial X

Improper Notice            More than Six Months X Other            Damages reasonable X

City not involved    Offer rejected    Compromise settlement   

Repair/replacement by Ins. Co.    Repair/replacement by City Forces   

Claimant Negligent    City Negligent X Joint    Claim Abandoned   

Respectfully submitted,

*Alexis Holmes*  
INVESTIGATOR - ALEXIS HOLMES

### RECOMMENDATION:

Pay \$ 709.45 Adverse            Account charged: 1A01            2J01 X 2H01           

Claims Manager: *Paula C. Smith* Concur/date 09-12-01

Committee Action:    Council Action

**KING & CROFT LLP**  
ATTORNEYS AT LAW

707 THE CANDLER BUILDING  
127 PEACHTREE STREET, N.E.  
ATLANTA, GEORGIA  
30303-1800

F. CARLTON KING, JR.  
DIRECT DIAL: 404-577-6175  
E-MAIL: fck@king-croft.com

*Holmes*  
*01/18/01*  
*[Signature]*  
TELEPHONE 404-577-8400  
FACSIMILE 404-577-8401  
INTERNET: www.king-croft.com

December 14, 2000

ENTERED - 1-19-01 - SB  
01L0062 - ALEXIS HOLMES

Mayor and Council  
City of Atlanta  
% Municipal Clerk  
55 Trinity Ave., S.W.  
Atlanta, GA 30303

Attn: Rhonda Johnson

Re: Ante Litem Notice of Damage Claim

Dear Mayor Campbell and Members of the City Council,

Pursuant to O.C.G.A. § 36-33-5, we hereby give you ante litem notice of a claim for property damage to an automobile owned by Volvo Cars of North America, and being operated by Paul Long, one of its employees, on the streets of the City on Wednesday, December 6, 2000. On that date at the intersection of Spring and Alexander streets, with all lanes full of traffic and no opportunity to avoid it, the vehicle Mr. Long was operating struck a defect in the street, resulting in damage to a tire and alloy wheel. The defect was a manhole cover that was several inches below the surface, so that the tire and wheel fell into the hole and struck the rough edge of the hole.

The tire and wheel have to be replaced and the car aligned, at a total cost of \$750. Enclosed herewith are copies of photographs of the defect, documentation of the loss, and a copy of the police incident report. Please have someone contact our office to discuss resolution of this matter.

Yours very truly,

*[Signature: F. Carlton King, Jr.]*

F. Carlton King, Jr.  
Attorney for Volvo Cars

FCKjr/me  
VolvoCars-general/johnson1

Enclosures

01-R-1525